

REMARKS

Claims 6-11, 15-17, and 19-23 are pending in the application. Claims 6-11 and 15-21 have been determined to be allowable. Applicants have canceled Claim 22 and have amended Claim 23 in this Amendment. Examination and consideration are respectfully requested.

Claim Rejections – 35 U.S.C. § 112

In the Office Action dated May 20, 2003, Claims 22 and 23 were rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite. Claim 22 has been canceled, thus this rejection is moot.

In Claim 23, the Examiner indicates that “combining a sample and a reagent in a chamber of a reaction vessel as set forth in claim 17” is indefinite. Applicants have amended Claim 23 to overcome this rejection.

Claim Rejections – 35 U.S.C. § 103

In the Office Action dated May 20, 2003, Claims 22 and 23 were rejected under 35 U.S.C. § 103 as being unpatentable over Uzan et al. (U.S. Patent No. 5,849,247) in view of Berthold et al. (U.S. Patent No. 5,048,957), Smethers et al. (U.S. Patent No. 5,643,535), and Honzawa et al. (U.S. Patent No. 5,637,874).

Claim 22 has been canceled, thus this rejection is moot.

Applicants have amended Claim 23 to include the automated chemiluminescent apparatus of Claim 17. The Examiner has indicated that Claim 17 is allowed. Claim 23 depends from Claim 17, and is therefore allowable for at least the reasons Claim 17 is allowable. In addition, the combination of Uzan et al., Berthold et al., Smethers et al., and Honzawa et al. do not teach or suggest the subject matter of Claim 23. Therefore, Claim 23 includes additional patentable subject matter.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner’s indication that Claims 6-11 and 15-21 are allowed.

Applicants will comment on the Examiner’s statement of reasons for allowance after all of the pending claims are allowed.

CONCLUSION

In view of the above remarks, it is submitted that the application is in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Smith", written in a cursive style.

Billie Jean Smith
Reg. No. 36,940

Docket No. 072211-9011-00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
(414) 271-6560